

President

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Nanaimo, Duncan & District Labour Council

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Subject: Proposed New WorkSafe BC Regulations

My name is Robert Smits and this is David Halme. We are here representing the Nanaimo, Duncan & District Labour Council, which represents 65 affiliated local unions with a combined membership of 14,000 men and women trade unionists in the central Vancouver Island area, from Cobble Hill to Qualicum Beach, and the Gulf Islands north of Saltspring.

The Nanaimo, Duncan & District Labour Council wishes to thank Worksafe BC for giving us this opportunity to comment upon the 2007 proposed amendments to the Occupational Health and Safety Regulations.

We specifically wish to comment on the proposed regulations in Part 3, Rights and Regulations, and Part 4, General Conditions, and to make some general observations.

General Observations

Before we comment specifically on the regulations we'd like to commend WorkSafe bC for listening to us in the previous round of hearings and for making changes to the proposed regulations that will enhance the safety of workers in British Columbia. We are strongly in favour of the proposed changes and would like to see them adopted as soon as possible.

Having said that, we'd like to add the general comment that regulations are of no use unless those being regulated are regularly inspected and the regulations enforced. In our view, the single most lacking part of protecting workers working alone is adequate inspections and enforcement of the regulations. This means establishments that have workers working alone need to be regularly inspected to see if the regulations are being obeyed. These inspections need to be done at hours when the workers ARE working alone. If a gas bar only has employees working alone between midnight and 6 AM, that is when it needs to be inspected, not in the middle of the day.

Section 3.1 When Program Required

In our view, there is no reason for any employer of 20 or more persons not to have an occupational health and safety program. And we need to ensure that workplace includes all the places where the employee may need to go during the course of employment. In a previous career, as an office equipment technician, I frequently worked in not only offices, but sawmills, pulp mills, and other dangerous places.

Section 3.16 Basic Requirements

We are strongly in support of the amendments to Section 3.16 1.1 and 1.2, specifying the type and quantities of equipment and supplies and first aid attendants as well as the quality, maintenance and methods of transportation must be acceptable to the Board.

Section 3.17.1 Air Transportation

We are strongly in favour of the proposed changes to air transportation that would effectively reduce the time from when an injury occurs until the injured worker is treated. It will be highly beneficial for the first aid attendant to be able to communicate directly with the aircraft to direct the aircraft to a suitable landing zone. This is especially true when working in densely forested or steep terrain, which often occurs on Vancouver Island. This will also necessitate the aircraft being fitted with radios which can communicate on the VHF FM land mobile spectrum, and that part of the protocol for air transportation will need to include notifying, and keeping up-to-date a list of frequencies being used in that particular area.

Section 3.20 Multiple Employer Workplaces

We especially support the proposed changes here that will require the prime contractor to ensure that first aid equipment, supplies, first aid attendants and facilities are supplied and maintained. In an era where any worker with a pickup and a chain-saw can become his own contractor, safety seems to have become an afterthought, and this regulation will hopefully allow someone to be required to be the responsible agent for this.

Part 4: General Conditions

We are strongly in support of the changes that Worksafe BC is proposing, and believe that WorkSafe BC is to be commended for making these changes. Thank You.

Section 4.20.1 Definition

We'd like to note that "work in circumstances where assistance would not be readily available to the worker" really needs to include any situation where a worker does not have someone within earshot available to assist them. It's certainly not good enough to depend on a cell-phone, for example, to be able to summon aid.

A great many workers work in these kinds of circumstances, and often they're not in retail. This can include all kinds of workers who work by themselves – night custodians in schools, for example. If one falls and breaks a leg, there may be no one else scheduled to arrive until the next morning. My wife is an LPN, and until recent changes were made, frequently found herself alone from midnight to 7:00 AM with 21 elderly patients in an area where cell phones are very unreliable.

Home Care workers, too, are often at risk. They have to work in often unfamiliar workplaces, and with clients with a wide variety of conditions and attitudes. Workplace violence is a serious issue for Home Care workers, especially when they often are told little to nothing about new clients, EVEN if there is a recorded history of a propensity to violence against caregivers. Employers must warn health-care workers when clients have a history of violence towards others, especially health-care workers, and ensure their safety.

Section 4.21 Procedures for checking well being of worker

We are pleased with the revisions to this section and feel it greatly strengthens this section.

Section 4.22 Training

We are pleased with the revisions to this section and feel that it's necessary for employers to ensure training in this area.

Section 4.22 Late Night Retail Safety

We are very pleased with the proposed changes to this section of the regulations. The types of retail establishment that are open late at night are often staffed by young, inexperienced and vulnerable staff. They don't yet have the life experience to always be able to assess whether or not a situation is dangerous, and may be reluctant to "make waves" or do anything that might jeopardize their employment.

That's why we are especially supportive of Section 4.22 (2) that requires the provision of physical barriers between the customer and the worker unless there are two workers on duty. We understand that Superstore in Duncan already provides the barrier, and that Husky in Nanaimo currently has two workers on after 11 PM.

Section 4.22.2 Mandatory pre-payment for fuel

We also strongly support the requirement for pre-payment of fuel sold in retail locations. This would go a long way to reducing "gas'n'dashes" which often precipitate confrontations between customers and workers. While many stations, including Mid Island Co-op, presently offer the opportunity to prepay, if everyone needs to do this, we'll all get used to it very quickly and it will be a level playing field for Employers.

In this regard we also have a letter from the Chair of the Board of Mid Island Co-op, which operates 7 gas bars in our area, telling us they support these regulations, and it's appended to our submission.

Thank you for hearing our submission, and we ask you to consider our points when you adopt the new regulations.

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